

REMARKS

Claims 1-10 and 12 are now pending in the present application. Claims 1, 3 and 12 have been amended. Claims 1 and 3 are independent. Reconsideration of this application, as amended, is respectfully requested.

Reasons For Entry of Amendments

It is respectfully requested that the present amendments be entered into the Official File in view of the fact that the amendments to the claims automatically place the application into condition for allowance.

In the alternative, if the Examiner does not believe the application is in condition for allowance, it is respectfully requested that the present amendments be entered for the purposes of appeal. The amendments to the claims simplify the issues on appeal by adding allowable subject matter to independent claim 1 and by amending claim 3 to positively recite the preamble as a method step.

Interview with the Examiner

An interview was conducted with the Examiner in charge of the above-identified application on August 9, 2004. Applicants greatly appreciate the courtesy shown by the Examiner during the interview.

In the interview with the Examiner, the Fowlkes reference was discussed with regard to independent claim 1. It was the Examiner's position that the Fowlkes reference is sufficient in combination with the Goodrich et al. and Mahdavi et al. references to render obvious the present invention as recited in independent claim 1.

Although Applicants do not completely agree with the Examiner's position, in order to expedite prosecution, independent claim 1 has been amended to include the subject matter of dependent claim 11, which has been canceled. In view of this, independent claim 1 should now be in condition for allowance.

With regard to independent claim 3, it was explained to the Examiner during the interview that the Goodrich et al. and Fowlkes references fail to disclose the workpieces as recited in the preamble of claim 3. It was the Examiner's position that the work pieces were not positively recited in claim 3. In view of this, it was suggested to rewrite claim 3 to make the preamble the first step of the claim. The Examiner indicated that this amendment would overcome the rejection of record.

In view of the above, claim 3 has been amended to positively recite the first step as "sorting out defect-free elements blanked out of the metal sheet..." in order to positively recite the preamble as the first step of claim 3. Accordingly, it is believed that claim 3 is in condition for allowance.

Rejection Under 35 U.S.C. § 103

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unptentable over Goodrich et al., U.S. Patent No. 5,823,356 in view of Fowlkes, U.S. Patent No. 3,743,091 and further in view of Mahdavieh et al., U.S. Patent No. 5,345,514. This rejection is respectfully traversed.

As the Examiner will note, claim 1 has been amended to include the subject matter of claim 11, which has been canceled. The Examiner indicated that claim 11 is directed to allowable subject matter. In view of this, claim 1 should now be in condition for allowance.

With regard to claim 3, this claim has been amended to recite the preamble as the first step of the claim. Since the Goodrich et al. and Fowlkes references fail to disclose the workpieces recited in independent claim 3, it is believed that claim 3 defines the present invention over the references relied on by the Examiner.

With regard to dependent claims 2 and 4-10, Applicants respectfully submit that these claims are allowable due to their respective dependence upon allowable independent claims 1 and 3, as well as due to the additional recitations in these claims.

In view of the above remarks, Applicants respectfully submit that claims 1-10 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 103 are respectfully requested.

Allowable Subject Matter

Claims 11 and 12 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants greatly appreciate the indication of allowable subject matter by the Examiner.

As mentioned above, the subject matter of claim 11 has been added to independent claim 1. In view of this, independent claim 1 and dependent claims 2, 9, 10 and 12 should be in condition for allowance. In addition, for the reasons mentioned above, independent claim 3 and dependent claims 4-8 should also be in condition for allowance.

In view of the above, all of the pending claims in the present application are in condition for allowance. Favorable consideration and early allowance of the present application are therefore respectfully requested.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.


Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a one-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$110.00** is attached hereto.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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